

Remarks

I have carefully reviewed the Office Action of July 21, 2005 of Examiner Underwood. The Examiner's objections to the drawings and rejection based upon 35 USC 112 have been overcome by appropriate amendment to claim 7. The Examiner's prior art rejections are respectfully traversed for the reasons noted below. The Examiner's double patenting rejections have been overcome by the preparation and filing of a Terminal Disclaimer.

Claim 1

Claim 1 as presented herein corresponds to issued claim 3 in the assignee's 223 patent except that claim 1 does not require the loader arms to fit down around and receive therebetween at least an upper portion of the hood or shroud of the internal combustion engine. Nonetheless, claim 1 still requires the presence of "an open space between the loader arms providing substantially unobstructed viewing towards the front in elevated positions of the loader arms when the open space is raised in front of an operator's face". In addition, claim 1 requires "at least one actuator extending between the loader arms and the frame for pivoting the loader arms upwardly and downwardly relative to the frame about the pivotal connection of the loader arms to the frame." Moreover, claim 1 requires that the loader be comfortably operated by a walk behind operator in the following language: "wherein the control system is located sufficiently close to the rear of the frame and the rear of the frame is configured to permit the standing operator walking behind the frame to comfortably reach and operate the control system with the operator's arms being bent at the elbow".

As pointed out in the parent applications, Rayner is not directed to a tracked loader or a loader in which the operator can walk behind the loader and operate the loader with his or her arms being bent at the elbow. Clearly, Rayner is a ride on loader. But, even if Rayner were modified to include tracks and to be configured to allow the operator to walk behind the loader, Rayner still does not teach or suggest the claimed open space or loader arm actuator. Indeed, given all the structure disclosed in Rayner between the loader arms, it would not be possible to create such an open space. Accordingly, the Examiner's rejection of claim 1 as being anticipated by Rayner is in error and should be withdrawn.

#### Claim 2

While claim 2 does not recite a pair of loader arms with an open space between them, claim 2 still recites the latter two limitations set forth above when discussing claim 1, namely the actuator between the loader arm and the frame and the bent elbow limitation. Claim 2 is not anticipated by Rayner for the reasons noted above regarding the absence of at least these two limitations from Rayner.

#### Claim 7

Allowed claim 7 has been amended to rectify any confusion about where the loader arm actuator is connected.

#### Parent Application Prior Art

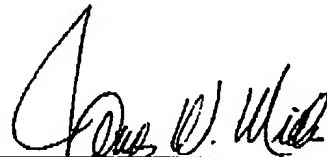
An Examiner is required to review and consider the prior art cited in the parent applications to this CIP patent application. See Section 609.02 of the MPEP. Copies of the IDS

forms from the parent applications (copies without any initialing) are being submitted herewith so that the record can be clear that this prior art has been considered. The Examiner is kindly requested to initial the prior art reference citations on these IDS forms to indicate his consideration of the same. While there is not believed to be any charge due for the consideration of such prior art as the Examiner was obliged to consider the art prior to the first Office Action, if there is a charge then such charge should be charged to the assignee's Deposit Account 20-1315.

Summary

All of the claims currently pending in this application are allowable. It is respectfully requested that this application be allowed and sent to issue.

Respectfully submitted,



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